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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,347	09/11/2003	Mike S. McElroy	23399.00	7092
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37833 7590 06/21/2005

LITMAN LAW OFFICES, LTD
 PO BOX 15035
 CRYSTAL CITY STATION
 ARLINGTON, VA 22215

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,347	Applicant(s) MCELROY, MIKE S.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/11/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's application filed on 9/11/2003.

Claim Objections

Claims 1-11 are objected to because of the following informalities: in regard independent claims 1 and 7, the preambles are set forth a subcombination of a supplemental door trim and not positively with a combination of an existing door molding, therefore, the examiner treats the claims as subcombination of the supplemental door trim.

In regard claim 2, the citation "the group" does not have antecedent basis. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claim language "or cut from a piece of elongated trim section about seven foot in length" is confusing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 7, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sampsell (US 3,046,616).

In regard claims 1, 7 Sampsell teaches a plurality of elongated trim sections 23, 23a (fig. 1), each of the door trim comprising an elongated trim section (fig. 3), the trim section having a cross section, which further comprising a base portion 19, wherein the base portion comprises an upper base portion 27, and an integral arm section 21 extends from the upper base portion (see figures 1 and 3). Since Sampsell teaches the similar claimed structure as the applicant's claimed invention, therefore it would inherently capable of performing the same function such as covering an existing door molding without the needs of replacing the existing door molding.

In regard claims 4, 10, Sampsell teaches the claimed invention as stated wherein the integral arm section 21 defines a flat face.

In regard claims 5, 11, Sampsell teaches the claimed invention as stated wherein the integral arm section having an inwardly folded portion thus it defines a variable face (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 8, and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampsell.

In regard claims 2, 8, Sampsell teaches the claimed invention as stated except wherein the supplemental door trim is made of a material selected from a group of wood or medium density fiberboard. At the time of the invention, it would have been obvious to one having an ordinary skill in the art to select an appropriate material for the door trim such as wood or medium density fiberboard. The motivation for doing so would have been to match with the doorframe and thus providing a pleasing appearance for the door.

In regard claims 3, 9, Sampsell teaches the claimed invention as stated except wherein the integral arm section defines a setback of about 0.25" upon contact with an existing door molding. As set forth above, the existing door molding limitation is not positively claimed, therefore it not being given any patentable. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the integral section define a setback of about 0.25", since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. The motivation of doing so would have been to provide a gap for maximum door movement.

In regard claim 6, Sampsell teaches the claimed invention as stated except for the elongated trim section is about seven foot in length. At the time of the invention, it would have been obvious to one having an ordinary skill in the art to have a length of 7'

Art Unit: 3635

for the door trim would have been considered as a matter of a design choice base on desirable application because one in the art having ordinary skill to cut the right length for the door trim to cover the whole length of the door.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartley, Fruman, Borlenghi, Koral, Newman, Hurley, Hendrickson, Freelove, Batscher, Wamsher, Raulerson, Koeniguer, Ruff, and Stradel teach door trim structures.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

6/10/05

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Naoko Slack
Primary Examiner